PETITION FOR TWO-MONTH TIME EXTENSION

Under 37 C.F.R. § 1.136(a), Applicant hereby petitions that the period for responding to the Office Action mailed on February 10, 2006 be extended for two months, up to and including July 10, 2006. Enclosed is a charge card authorization form to cover the appropriate fee for this extension under 37 C.F.R. § 1.17.

REMARKS

Assignee and the undersigned attorney thank Examiner Nguyen for his review of this patent application, the allowance of claims 10-21, and the indication that claims 5-9 include allowable subject matter.

Claims 5-9 are objected to as being dependent upon a rejected base claim, but indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 5 is amended above to incorporate the subject matter of original claim 1 from which claim 5 previously depended. Thus, Assignee submits that claims 5-9 should now be allowed.

The Action rejected claim 1 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,104,911 to *Diekelman* ("*Diekelman*") in view of U.S. Patent No. 6,487,183 to *Lo et al.* ("*Lo*"). The Action rejected claims 2-4 under 35 U.S.C. § 103 as being unpatentable over *Diekelman* in view of *Lo* and further in view of U.S. Patent No. 6,002,852 to *Birdwell et al.* ("*Birdwell*"). Assignee respectfully requests reconsideration of claims 1-4 in view of the remarks below.

Claim 1

Claim 1 recites:

> 1. (Original) A method for dynamically allocating network transport resources in a diverse satellite communications network including a plurality of satellites and a plurality of uplink stations, the method comprising:
> allocating a satellite from the plurality of satellites for a file transmission;

allocating a channel of the satellite, a bandwidth, and a time slice for the file transmission;

providing information concerning the satellite, channel, bandwidth, and time slice allocations to a plurality of geographically distributed controllers, each of which are coupled to one of the plurality of uplink stations; and

using the controllers to adjust the allocated bandwidth, time slice, or both in order to optimize file transmission over the network.

Diekelman and *Lo*, either alone or in combination, do not teach or suggest each and every element of claim 1. More specifically, the cited references do not teach or suggest "providing information concerning the satellite, channel, bandwidth, and time slice allocations to a plurality of geographically distributed controllers" and "using the controllers to adjust the allocated bandwidth, time slice, or both in order to optimize file transmission over the network."

Fig. 1 of *Diekelman* shows a network control facility, NCF 130, communicating with a satellite 110 via link 185; communication units 140 communicating with satellites 110 via link 180; and satellites 110 communicating with each other via links 187. Figure 5 depicts a method of designating a satellite to provide a service link 180 to a communications unit 140 and instructing the designated satellite and communications unit 140 to communicate with one another, and Figure 10 shows a method of augmenting capacity that consists of allocating a responsible satellite.

The Examiner asserts that col. 17, ll. 27-34 of *Diekelman* teaches "providing information concerning the satellite, channel, bandwidth, and time slice allocations to a plurality of geographically distributed controllers." However, the cited portion merely

describes an embodiment of NCF 130 that is shown in Fig. 12, and in particular describes functionality that may be present in processor 1210 of NCF 130. There is no teaching or suggestion that all of "satellite, channel, bandwidth, and time slice allocations" are provided "to a plurality of geographically distributed controllers," as recited in claim 1. Additionally, there is no teaching or suggestion of "using the controllers to adjust the allocated bandwidth, time slice, or both," and "*Dieckelman* fails to disclose file transmission," as the Action acknowledges.

Likewise, *Lo* fails to teach either providing "satellite, channel, bandwidth, and time slice allocations to a plurality of geographically distributed controllers" or "using the controllers to adjust the allocated bandwidth, time slice, or both in order to optimize file transmission over the network." The Action cites *Lo* as teaching the final element of claim 1. However, the cited portion of *Lo* (at col. 7, ll. 3-14) merely teaches that a channel may be assigned to a subscriber and subsequently adjusted based on the user's activity. *Lo* does not mention any "controller" other than a resource controller within the network control center 105, and thus *Lo* does not teach or suggest using a plurality of geographically distributed controllers to adjust allocated bandwidth, time slice, or both.

For the above reasons, the Examiner should withdraw the rejection of claim 1 as obvious in view of *Diekelman* and *Lo*, and claim 1 should be allowed.

Claims 2-4

Inasmuch as claims 2-4 depend from and thereby include the limitations of claim 1, claims 2-4 should also be allowed for at least such dependencies. Claims 2-4 are also allowable for at least the following additional reasons.

Contrary to the Examiner's assertion, *Birdwell* does not teach the additional limitation recited in claim 2: "contacting the recipients of the file transmission in order to confirm receipt thereof." *Birdwell* describes a pure carousel system in which data is broadcast repeatedly by a server for client download. *Birdwell* teaches that "once client A receives the broadcast, it confirms receipt of the download by sending a 'confirm download' message to the server." Col. 6, ll. 48-50. Thus, in *Birdwell*, the recipient contacts the server/sender, which is different than the recited step of "contacting the recipients of the file transmission to confirm receipt thereof." Therefore, the combination of *Diekelman*, *Lo*, and *Birdwell* fails to teach or suggest the additional limitation of claim 2.

Claim 3 recites the additional limitation of "contacting a group of recipients of the file to be transmitted over the network to inform the recipients of a transmission time," but *Lo* and the other cited references fail to teach this element. The Action cites col. 4, ll. 59-60 of *Lo* as teaching this limitation, but the cited portion merely states that a "relatively short setup period is followed by a long billable communications period." There is no indication that a group of recipients of a file has been contacted, nor does this statement describe informing the recipients of a transmission time (outside of simply initiating the transmission). Thus, the

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combination of *Diekelman*, *Lo*, and *Birdwell* fails to teach or suggest the additional limitation of claim 3.

Claim 4 recites the additional limitation of "sending an authorizing message before any file transmission over an uplink station." The Action asserts that col. 8, ll. 15-34 of *Lo* teaches this limitation, but *Lo* teaches no such authorizing message. The cited portion of *Lo* concerns transitioning terminals between idle and synchronized states and the conditions required for transition. The only "message" described is that authentication may be required for any resource request made by a terminal to transition from the idle state. This does not teach sending an authorizing message before any file transmission, and *Lo* does not describe any system component sending an "authorizing message" before file transmission, as recited in claim 4. (*See, e.g.*, page 19, lines 5-10 of the present application for one example of an authorizing message.) Thus, the combination of *Diekelman*, *Lo*, and *Birdwell* fails to teach or suggest the additional limitation of claim 4.

For all of the above reasons, the Examiner should withdraw the § 103 rejections of claims 2-4, and claims 2-4 should be allowed.
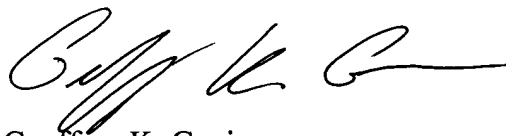
The foregoing is submitted as a full and complete response to the Office Action mailed February 10, 2006. Assignee submits that claims 1-21 are in condition for allowance, and notice of allowance is respectfully requested. The preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability. If the Examiner believes there are any issues that can be resolved via a telephone conference, or there are any

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informalities that can be corrected by an Examiner's amendment, please call Geoffrey Gavin

at (404) 815-6046.

Other than the fee for the two-month extension of time, the undersigned attorney

believes no other fees are due; however, the Commissioner is authorized to debit deposit

account no. 11-0855 to the extent necessary if other fees are due.

Respectfully submitted,

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